

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U39E) for Approval of Amended Purchase and Sale Agreement Between Pacific Gas and Electric Company and Contra Costa Generating Station LLC and for Adoption of Cost Recovery and Ratemaking Mechanisms.

Application 12-03-026
(Filed March 30, 2012)

**DECISION GRANTING COMPENSATION TO
THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-12-035**

Claimant: The Utility Reform Network (TURN)	For contribution to Decision (D.) 12-12-035
Claimed (\$): 146,250.88	Awarded (\$): 145,234.58
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Hallie Yacknin

PART I: PROCEDURAL ISSUES**A. Brief Description of Decision:**

D.12-12-035 granted approval to Pacific Gas and Electric Company (PG&E) for its amended Purchase and Sale Agreement (PSA) with Contra Costa Generating Station (CCGS) for the Oakley Generating Station. The Commission opted to approve the amended PSA rather than adopt the Proposed Decision of Administrative Law Judge (ALJ) Yacknin, which would have denied the utility's application for a number of reasons, including the fact that the Commission has never determined that the Oakley Project is needed.

B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	May 22, 2012	Correct
2. Other Specified Date for NOI:	N/A	
3. Date NOI Filed:	May 23, 2012	Correct
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	See Comment #1	Correct [Rulemaking (R.) 11-11-008]
6. Date of ALJ ruling:	See Comment #1	Correct [1/3/2012]
7. Based on another CPUC determination (specify):	See Comment #1	
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.11-11-008	Correct
10. Date of ALJ ruling:	1/3/12	Correct
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-12-035	Correct
14. Date of Issuance of Final Order or Decision:	December 28, 2012	Correct
15. File date of compensation request:	February 25, 2013	Correct
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
1			TURN understands that the ALJ Division has adopted a practice of only issuing a formal ruling on an intervenor’s notice of intent if the intervenor is seeking to demonstrate significant financial hardship, rather than relying on the rebuttable presumption created by an earlier finding of hardship. TURN’s showing on financial hardship (relying on the rebuttable presumption) and customer status was contained in our NOI. TURN has previously been found to satisfy these two standards -- for example see ALJ ruling on January 3, 2012 in R.11-11-008.

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059):**

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>TURN's request for compensation relies almost entirely on substantial contributions that do not appear on the face of the Commission's final decision. D.12-12-035 approved the Amended PSA and the proposed ratemaking, both of which TURN had opposed. However, the Commission has recognized in the past that under such circumstances an intervenor may establish its substantial contribution for purposes of an award of compensation through reliance on the proposed decision of the ALJ and other benefits the Commission may have realized from an intervenor's participation. The Commission addressed similar circumstances in D.08-04-004 when it awarded TURN compensation for our reasonable time and expenses devoted to opposing a purchased power agreement that the Commission approved between SCE and Long Beach Generation (in A.06-11-007). There the Commission first noted</p> <p style="padding-left: 40px;">It is [] a matter of judgment as to whether the customer's presentation substantially assisted the Commission.¹</p> <p>The decision went on to explain the basis for a finding of substantial contribution where the adopted outcome ran counter to the intervenor's recommendations:</p> <p style="padding-left: 40px;">[T]he Commission may benefit from an intervenor's participation even where the Commission did not adopt any of the intervenor's positions or recommendations. ... [¶] The opposition presented by TURN and other intervenors gave us important information regarding all issues that needed to be considered in deciding whether to approve SCE's application. As a result, we were able to fully consider the consequences of adopting or rejecting the LBG PPA. Our ability to thoroughly analyze and consider all aspects of the proposed PPA would</p>		<p>To the extent that TURN's participation substantially contributed to the PD, we find that it also substantially contributed to the alternate PD which was adopted by the CPUC. Even though the decision did not adopt TURN's positions, TURN's substantial contribution to the PD contributed to the CPUC's consideration of the matter, as reflected by the minority vote of the CPUC in favor of the PD.</p>

¹ D.08-04-004 at 4-5, citing D.98-04-059, 79 CPUC2d 628 at 653.

<p>not have been possible without TURN's participation.²</p> <p>The Commission has also long held that contribution to an ALJ's PD is evidence of a substantial contribution even if the Commission does not adopt the PD's recommendations. For example, in D.11-05-044 the Commission awarded TURN \$143,800 out of \$147,600 requested for TURN's work in the Southern California Gas Company (SoCalGas) automated meter infrastructure (AMI) proceeding, even though the underlying decision had approved the proposed AMI program over TURN's objections. On several issues the Commission agreed that TURN made a substantial contribution even though the decision did not adopt TURN's recommended outcome:</p> <p style="padding-left: 40px;">TURN's participation ensured a thorough analysis on this issue, and their position was reflected in the PD, though not in the alternate PD, which was the final decision that was adopted.³</p> <p>TURN submits that the circumstances presented by our work in this proceeding and the adopted outcomes are substantially the same as those presented in these prior proceedings. Therefore TURN requests that the Commission find a substantial contribution warranting an award of intervenor compensation for the reasonable costs and expenses TURN incurred for our participation in the proceeding.</p>		
<p>1. The Oakley PSA did not require a Certificate of Public Convenience and Necessity (CPCN), but the Commission still must determine the need for the project.</p> <p>One of the issues identified in the scoping memo issued May 25, 2012 was whether approval of the Oakley PSA requires a CPCN. TURN did not address this issue until our reply brief, but there argued that absent any other Commission determination of need, a CPCN must be required. TURN's position relied in part on the "substantial loophole" that would be created were Section 1001 of the</p>	<p>TURN Reply Brief, at 11-15.</p>	<p>No. The decision rejected TURN's position. Where a decision rejects a party's position, the fact that the decision addresses the position and explains itself does not in and of</p>

² D.08-04-004 at 5-6. The Commission also cited modifications made upon rehearing that clarified but did not change the substance of the holdings of the initial decision. TURN has a pending application for rehearing (jointly filed with Western Power Trading Forum); whether the Commission makes modifications pursuant to that application remains to be seen.

³ D.11-05-044 at 4.

<p>Public Utilities (PU) Code interpreted to permit construction of a plant such as the Oakley Project without there first being a determination of need or necessity.</p> <p>In D.12-12-035, the Commission noted without attribution argument regarding the creation of a potential loophole. It then presented an argument relying on Sections 451 and 454(a) of the PU Code as the basis for a requirement that the Commission determine need for and reasonableness of the proposed project, even though it was not subject to Section 1001.</p> <p>While TURN's substantial contribution would have been easier to identify had TURN itself come up with the argument relying on Sections 451 and 454(a) to explain away the apparent loophole, the Commission should find that TURN made a substantial contribution by helping to identify a particular angle on the CPCN issue that warranted the ALJ's further consideration, analysis and, ultimately, resolution.</p>	<p>D.12-12-035, at 6-8; Conclusion of Law 2.</p>	<p>itself constitute a substantial contribution. Western Power Trading Forum raised the same matter of a potential "loophole" in its opening brief (at 10).</p> <p>TURN's costs to present this position was minimal, so we make no disallowances.</p>
<p>2. The question of whether the Commission's approach to determining need constituted improper delegation to the California Independent System Operator (CAISO).</p> <p>TURN's briefs argued that PG&E's proposed reliance on CAISO statements regarding the need for generation resources constituted impermissible delegation of Commission decision-making authority.</p> <p>The ALJ's PD agreed with this argument, explaining that a failure of the Commission to independently determine the need for new generation would constitute "an impermissible delegation of the Commission's authority and responsibility," and that no such delegation had occurred when the Commission issued D.10-07-045.</p> <p>The Alternate Decision reached a contrary conclusion, and included a heading announcing that such delegation to the CAISO had indeed occurred in D.10-07-045. In an apparent response to TURN's comments, the heading was revised to remove the reference to delegation. The text of the section explained how the Commission viewed its authority to approve new generation capacity and its exercise of that authority based on the evidence on the record of this proceeding.</p> <p>TURN made a substantial contribution on the delegation issue by giving the Commission important information regarding an issue that needed to be considered and</p>	<p>TURN Opening Brief, at 20-24; TURN Reply Brief, at 1-2.</p> <p>ALJ PD, at 13, Conclusion of Law 9.</p> <p>Alternate Decision, at 15.</p> <p>TURN Comments on Peevey Alternate, at 5.</p> <p>D.12-12-035, at 15-16.</p>	<p>Yes.</p>

<p>addressed in deciding whether the Commission could approve the Oakley Project.</p>		
<p>3. The Commission has yet to determine a need for new generation resources: The Scoping Memo identified the questions of whether there is a “specific, unique reliability issue” or some other need to procure new utility-owned generation (UOG) outside of the Commission’s Long-Term Procurement Plans (LTPP) process as two of the issues within the broader “authority and need” category. TURN’s opening and reply briefs addressed these questions at some length, arguing that no such need had been established before PG&E filed its application, and nothing in the materials presented in this proceeding established such need.</p> <p>The PD determined that the Commission had not yet determined a need for new resources for renewable integration purposes, and that the record did not establish a specific, unique need for the Oakley Project.</p>	<p>Scoping Memo, at 4.</p> <p>TURN Opening Brief, at 5-13 and 24-32; TURN Reply Brief, at 15-18 and 23-30.</p> <p>Proposed Decision, at 12-13 and 14-15.</p>	<p>Yes.</p>
<p>4. TURN’s testimony on whether any of the CAISO materials constitute the “final results” referred to in D.10-07-045: The Scoping Memo identified “Has the CAISO issued its final report . . . ?” as one of the issues to be determined in resolving this application. TURN’s direct testimony analyzed the materials that the CAISO had presented in CPUC proceedings to date and related evidence to support the conclusion that no “final results” yet existed. Instead, the testimony described how all of the CAISO’s analyses were derived from the July 1, 2011 testimony in R.10-05-006 that led to the settlement adopted in D.12-04-046 that all parties agreed did not conclusively demonstrate a need to add new generation capacity.</p> <p>The PD addressed this issue in a slightly different manner than it was described in the Scoping Memo, as it instead focused on whether the <u>Commission</u> had yet determined a need for new resources for renewable integration purposes. The PD discussed the Commission’s review to date of CAISO materials presented in the 2010 and 2012 LTPP proceedings, and described how the CAISO had submitted testimony in the 2012 LTPP stating that it was continuing its study work on the renewable integration issue. Noting that the CAISO’s most recent testimony described “the ultimate system decision” as something that could be taken up in 2013, the PD concluded that PG&E’s renewed application for the Oakley Project was premature.</p>	<p>Scoping Memo, at 4; D.12-12-035, at 5.</p> <p>TURN Direct Testimony of Kevin Woodruff, at 5-7 and 11-13; TURN Opening Brief, at 14-17.</p> <p>Proposed Decision, at 12-13.</p>	<p>Yes.</p>

<p>5. The ability to await the results of the 2012 LTPP and still meet any identified need in a timely fashion:</p> <p>TURN's brief challenged the premise that there is a need to procure new generation resources outside of the existing LTPP process. For starters, the Oakley Project could be on line in 2018 even if the decision selecting the Oakley Project was not issued until late 2014. Furthermore, the 2012 LTPP decision was likely to be issued in 2013, providing sufficient time to add new resources before 2018 if such a need is identified.</p> <p>The PD agreed that it was not evident that the Oakley Project is the only way to meet the need for new generation resources in 2018, if such a need exists. It also noted "the absence of evidence beyond mere speculation ... that it will not be possible to conduct a timely RFO and obtain Commission approval of its results, and that it will not be possible for projects to be developed in time to meet this hypothetical need."</p>	<p>TURN Opening Brief, at 24-29.</p> <p>Proposed Decision, at 18-19.</p>	<p>Yes.</p>
<p>6. Balancing system reliability risks with the public interest in maintaining established planning procedures:</p> <p>TURN's testimony and briefs described the public interest in the Commission establishing and managing a regular process for planning and procuring new resources in a reasonable manner. As TURN explained, re-establishing a reliable regulatory framework would help address concerns over any regulatory "lag" that might otherwise make it more difficult to identify the need for new resources with sufficient lead time to get the new resources added to the system before the need arrives.</p> <p>The PD expressed similar positions and supporting logic. It found that the public interest in adhering to established long-term planning procedures outweighed the identified system reliability risks, and that adhering to such established planning criteria and procedures was the appropriate way to reduce uncertainty and risk under California's regulatory framework.</p>	<p>TURN Direct Testimony of Kevin Woodruff, at 19-22.</p> <p>TURN Opening Brief, at 30-32.</p> <p>D.12-12-035, at 16-17 and 21, Conclusions of Law 11-12.</p>	<p>Yes.</p>

<p>Conclusion on Substantial Contribution:</p> <p>As noted at the outset of this section, the Commission has previously recognized that it is a matter of its judgment as to whether an intervenor's presentation substantially assisted the Commission in a proceeding. A typical TURN request for intervenor compensation cites a number of substantial contributions that appear on the face of the Commission decision addressing the merits of the underlying proceeding. TURN is not able to do that here, as TURN raised a number of factual, legal and policy arguments in favor of rejecting the Oakley Project, and the Commission approved the project despite those arguments. However, TURN is confident that upon reviewing the record of the proceeding, the Commission will exercise its judgment to conclude that TURN's showing in opposition to the utility's request played an important role in the Commission's decision-making process.</p> <p>In D.10-06-046 the Commission awarded very nearly the full amount requested for TURN's work in SCE's application seeking ratepayer funding of a carbon sequestration feasibility study, even though TURN opposed such ratepayer funding. In that proceeding, TURN arguably only prevailed on one of the many issues addressed in D.09-12-014, the decision approving the feasibility study funding. In some cases the Commission considered TURN's arguments and concluded in favor of the utility, while in others the Commission did not address TURN's arguments because it deemed them moot due to the outcome adopted on other issues. Even though the overall outcome did not embrace TURN's overall recommendation, the compensation award found that TURN's efforts constituted a substantial contribution, even commenting, "TURN substantially helped the decision making in this proceeding." D.10-06-046, at 5.</p> <p>TURN submits that a similar outcome is warranted here. As described above, TURN clearly made a substantial contribution on an array of issues in the proceeding, even though the ultimate outcome adopted was contrary to TURN's overall recommendation. Consistent with these other decisions, the Commission should still find that TURN made a substantial contribution warranting an award of intervenor compensation for our work in this proceeding.</p>		Accepted
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Correct
b. Were there other parties to the proceeding with positions similar to the Claimant's?	Yes	Correct
c. Names of other parties (if applicable): The parties opposing approval of the Amended PSA included Independent Energy Producers (IEP), Communities for a Better Environment (CBE), Californians for Renewable Energy (CARE), Western Power Trading Forum (WPTF), and Fairfield Energy Center and Madera Energy Center (Fairfield/Madera).		Correct
d. Claimant's description of how Claimant coordinated with DRA and other parties to avoid duplication or of how Claimant's participation supplemented, complemented, or contributed to that of another party: There were approximately a half-dozen active parties opposing approval of the Amended PSA. Under such conditions, TURN submits that it is nearly impossible to avoid some amount of duplication. Still, TURN strove to keep such duplication to a minimum by coordinating with the other active parties to the extent practicable to identify issue areas that would be sufficiently covered by those parties. In particular, TURN consulted closely with DRA in order to minimize the overlap between each organization's testimony. As a result, TURN's testimony focused on particular topics from the Scoping Memo that seemed likely to particularly benefit from the experience and expertise of TURN's witness. During the evidentiary hearings, TURN coordinated with DRA and IEP as the parties conducting the largest amounts of cross-examination, thus minimizing overlap of preparation and conserving hearing room time. TURN also submitted several joint pleadings with other intervenors. The Commission should find that TURN's participation was efficiently coordinated with the other active parties opposed to the Amended PSA so as to avoid undue duplication and to ensure that any such duplication served to supplement, complement, or contribute to the showing of the other intervenor.		This coordination is supported by respective participation of the parties at the hearing and by TURN's timesheets.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§§ 1801 & 1806):**

a. Claimant's explanation of how its participation bore a reasonable relationship with benefits realized through its participation.	CPUC Verified
TURN's request for intervenor compensation seeks an award of approximately \$150,000 as the reasonable cost of our participation in the proceeding. In this case TURN is unable to point to any amount of savings, given the fact that the Commission approved the Amended PSA without substantial modification. Still, the Commission should not hesitate to find TURN's requested compensation reasonable given the underlying stakes. The total sale price of the Oakley Project is in excess of	Yes

<p>\$1 billion; the annual revenue requirement will exceed \$200 million for the first years the plant is in operation. PG&E's request implicated important resource planning and reliability questions as well. Such a project warrants close and thorough scrutiny, and TURN's participation in this proceeding served to help achieve that level of scrutiny.</p> <p>In sum, the Commission should conclude that even at nearly \$150,000 TURN's overall request is reasonable in light of the impact that the proposed Amended PSA would have on PG&E ratepayers and the importance of the resource planning issues not only to the utility's ratepayers but to all California residents.</p>	
<p>b. Reasonableness of Hours Claimed</p> <p>TURN's request for compensation seeks a substantial award covering a large number of hours devoted to this proceeding by our attorney and expert witness. However, when viewed in context and in light of the course the proceeding took, the Commission should have little trouble realizing that the number of hours is reasonable under the circumstances.</p> <p>There are several distinct stages of this proceeding for purposes of assessing the reasonableness of the hours TURN's attorney and expert witness recorded associated with their work here.</p> <ul style="list-style-type: none"> • TURN recorded a greater-than-usual number of hours associated with our work in the initial stage of this proceeding leading up to the protest and the prehearing conference (approximately 40 attorney hours and 6 expert witness hours). In TURN's view, this was due in large part to PG&E's decision to submit its application without any supporting testimony, and to instead rely on documents such as the 600-page CEC decision and 800-page CEC staff assessment associated with the Oakley Project, and various CAISO materials. The application itself contained only an 8-page discussion of the "benefits" of the proposed project. This approach required parties such as TURN to attempt to reverse engineer PG&E's showing in order to at least identify some of the flaws in that showing for purposes of preparing a protest to the application. As a result, the work involved in the earliest stages of the proceeding, leading up to and through the preparation of that protest, was more labor-intensive than is typically the case for TURN in a proceeding of this magnitude. • PG&E served its testimony in late May. From that point through the end of July, the hours included in this request for compensation generally cover TURN's efforts reviewing that testimony, engaging in discovery, and preparing direct and rebuttal testimony. This entailed approximately 76 hours for TURN's expert witness and 40 hours for TURN's attorney (the equivalent of two and one full time week, respectively). TURN submits that this was a reasonable amount of time to devote to TURN's direct and rebuttal testimony. TURN also recorded time during this period for work on several procedural pleadings (i.e. the response to the IEP motion to dismiss and a joint effort of TURN and several other intervenors seeking clarification of the scoping memo). TURN has chosen to omit those approximately 20 hours from this request for compensation. 	<p>Yes, other than hours claimed for all travel time less than 120 miles (one-way). <i>See</i> D.09-12-040 at 28.</p>

- TURN seeks compensation for approximately 50 hours of attorney time and 26.5 hours of expert witness time for preparation for and participation in the four days of evidentiary hearings. There were approximately 20 hours of hearings, and TURN was an active participant with regard to most of the witnesses who presented testimony during those hearings. In TURN's experience, the number of hours devoted to preparing for those hearings is very reasonable.
- TURN's request for compensation includes approximately 105 hours of attorney time and 15 hours of expert witness time associated with preparation of TURN's opening and reply brief. TURN's 43-page opening brief covered a wide array of the issues identified in the Scoping Memo and relied extensively on the record as developed during the evidentiary hearings. Approximately 45 hours of attorney time and 9.5 hours of expert witness time are included for the preparation of this brief. The opening briefs of the other parties totaled nearly 300 pages, with PG&E's brief weighing in at 98 pages. The approximately 60 hours of attorney time and 5.5 hours of expert witness time that TURN has included for the review of those opening briefs, the record review and research associated with assessing the basis of the claims presented in those briefs, and preparation of TURN's 40-page reply brief, are very reasonable figures under such circumstances.
- TURN's request for compensation does NOT include most of the hours recorded by our attorney and expert witness after the issuance of the Proposed and Alternate Decisions. From that point forward, TURN's efforts focused on identifying and addressing factual, legal and policy error in the Alternate Decision. Much of that effort and the resulting arguments are the subject of TURN's pending application for rehearing. When the Commission issues its decision on rehearing, TURN may seek to include these hours in a later-filed request for compensation. For purposes here, though, TURN has removed 65.25 hours of attorney time and 3.75 hours of expert witness time, as well as associated expenses. TURN has, however, included the 2.75 hours devoted to preparing for and participating in the all-party meeting convened by Commissioner Sandoval (and the 1.5 hours of travel time associated with that meeting, as discussed further below). This even falls more into the "general participation" category of TURN's efforts in this proceeding; all active parties were present and responded their view on the questions posed by Commissioner Sandoval.

Travel: TURN is including in this request travel time for travel that TURN's attorney and expert witness would not have engaged in but for TURN's participation in this proceeding. In recent years the Commission has created an exception to the practice of compensating intervenor's for proceeding-caused travel time where the distance traveled was less than 120 miles each way, declaring that such travel is "routine commuting." TURN's travel-related time in this preceding demonstrates why this standard makes little sense in practice.

Mr. Woodruff, TURN's expert witness, has his office in Sacramento, and his routine commute is between his home and that office. In August he drove to San Francisco

in order to testify on behalf of TURN during the evidentiary hearings, driving from Sacramento to San Francisco on one day and back the next. There was nothing “routine” about this travel; it was unique to this proceeding, and but for the fact that he needed to appear at the evidentiary hearings Mr. Woodruff would not have made the trip. However, the one-way distance Mr. Woodruff drove is 90 miles.

Mr. Finkelstein’s “routine commute” is to ride BART to either TURN’s San Francisco office or to the CPUC building in the Civic Center area. On December 17 he drove from his home to Oakley in order to represent TURN at the all-party meeting convened by Commissioner Sandoval and attended by Commissioner Ferron as well as representatives of President Peevey and Commissioner Simon. The only reason Mr. Finkelstein drove to Oakley is because the all-party meeting was convened there. However, the one-way distance traveled is 45 miles, thus making the trip a “routine commute” under the Commission’s practice even though Mr. Finkelstein almost never commutes anywhere other than San Francisco for his work on behalf of TURN, and even though this was the first time in Mr. Finkelstein’s life that Oakley had been his intended destination.⁴

There is no reason to deem Mr. Woodruff’s or Mr. Finkelstein’s travel as “routine commuting” and the time devoted to that travel is part of the reasonable costs that the intervenor compensation statute intends to be compensable.

Compensation Request Preparation Time: TURN is requesting compensation for 11.25 hours devoted to compensation-related matters, primarily preparation of this request for compensation (10.75 hours). This is a reasonable figure in light of the size and complexity of the request for compensation itself.

Mr. Finkelstein prepared this request for compensation because his extensive knowledge of many aspects of this proceeding, combined with his experience with compensation requests associated with similar proceedings, would enable him to prepare the request in a more efficient manner than if it were prepared by one of the other attorneys.

TURN submits that the recorded hours are reasonable for the reasons described above. Therefore, TURN seeks compensation for all of the hours recorded by our attorneys and included in this request.

⁴ Mr. Finkelstein believes he has driven through Oakley once or twice before in three decades of living in northern California.

c. Allocation of Hours by Issue

TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN.

Code	Stands for:
GP	General Participation -- work that would not vary with the number of issues that TURN addresses, such as the initial review of the application or later-served testimony, preparation of protest and participation in prehearing conference.
GH	General Hearing -- Hearing-related (preparation and participation), but not issue-specific.
Discy	Discovery-related work – Drafting discovery requests and initial review of responses.
Need	Work on issues associated with the authority and need category of issues as identified in the Scoping Memo.
Ren Int Stud	Renewable Integration Studies – Work on issues associated with the subset of authority and need issues that focused on whether the CAISO had issued its final report or final results from its renewable resource integration study.
Cont Reas	Contract Reasonableness -- Work on issues associated with contract reasonableness, including valuation issues addressed in TURN's rebuttal testimony.
RM	Ratemaking -- Work on issues associated with PG&E's proposed ratemaking and cost recovery treatment for Amended Oakley PSA costs.
Proc	Procedural – Work on procedural matters such as preparing the multi-party response to the motion of CCGS to become a party late in the proceeding, development of procedural schedule proposals.
PD	Proposed Decision – Most of these entries have been removed from this request for compensation, with the exception being the time devoted to participating in the all-party meeting convened by Commissioner Sandoval.
Travel	Time devoted to travel that would not have occurred but for TURN's participation in this proceeding.
Comp	Time devoted to compensation-related pleadings
#	Time entries that cover substantive issue work that cannot easily be identified with a specific activity code. TURN requests compensation for all of the time included in this request for compensation based on our overall substantial contribution, and does not believe allocation of the time associated with these entries is necessary. However, if such allocation needs to occur, TURN proposes that the Commission allocate these entries as follows: for Mr. Finkelstein's entries, 60% Need, 12% Ren Int Studies, 16% Cont Reas, and 12% RM, and for Mr. Woodruff's entries, 23% Need, 37% Ren Int Studies, and 40% Valuation.

TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission's rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Finkelstein	2012	235.75	\$480	Res. ALJ-281 ⁵	\$113,160	235.75	\$480	\$113,160
Kevin Woodruff	2012	120.0	\$240	D.12-11-050	\$28,800	120.0	\$240	\$28,800
	Subtotal:				\$141,960	Subtotal:		\$141,960
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
R. Finkelstein	2012	1.5	\$240	½ normal hourly rate	\$360	-0-	-0-	-0-
K. Woodruff	2012	3.5	\$120	½ normal hourly rate	\$420	-0-	-0-	-0-
	Subtotal:				\$780	Subtotal:		-0-
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
R. Finkelstein	2012	0.5	\$240	½ 2012 hourly rate	\$120	0.5	\$240	\$120
R. Finkelstein	2013	10.75	\$240	\$2,580.00	\$2,580	10.75	\$245	\$2,634
	Subtotal:				\$2,700	Subtotal:		\$2,754
COSTS								
#	Item	Detail			Amount	Amount		
1	Photocopies	Copies for testimony, pleadings, hearing room exhibits and other proceeding documents			\$356.80	\$356.80		
2	Postage	Mailing costs for pleadings			\$25.30	\$25.30		
3	Lexis/Nexis	Computerized Research			\$130.84	\$130.84		
4	Courier	Package of materials sent to KW			\$7.64	\$7.64		
5	Lodging	Hotel			\$181.40	\$-0-		

⁵ Resolution ALJ-281 authorized an across-the-board 2.2% COLA increase to 2011 authorized rates. Mr. Finkelstein's 2011 authorized rate was \$470 (D.12-03-024). The 2.2% increase yields a 2012 rate of \$480 (rounded to the nearest \$5 increment).

6	Travel	Mileage, tolls	\$108.90		\$-0-
<i>Subtotal:</i>			\$810.88	<i>Subtotal:</i>	\$520.58
TOTAL REQUEST:			\$146,250.88	TOTAL AWARD:	\$145,234.58⁶
<p>* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>					
Attorney		Date Admitted to CA BAR		Member Number	
Robert Finkelstein		June 13, 1990		146391	

C. Comments on Part III:

Comment #	Description/Comment
Comment 1	<p>Hourly Rates for TURN's Attorney and Expert Witness:</p> <p>TURN seeks hourly rates for Robert Finkelstein, our in-house attorney, and Kevin Woodruff, the outside consultant who provided expert witness services, at levels that the Commission has previously adopted for each individual's work in 2012.</p>
Comment 2	<p>Reasonableness of Expenses</p> <p>TURN requests that the Commission approve its expenses associated with its participation in this case. The expenses consist of photocopying expenses, postage, and charges for legal research conducted via Lexis/Nexis. The travel-related expenses are associated with Mr. Woodruff's travel to San Francisco to appear as TURN's expert witness during the evidentiary hearings, and cover mileage, tolls, and lodging. The Commission should find TURN's direct expenses reasonable.</p>

⁶ Rounded to nearest dollar.

D. CPUC Disallowances & Adjustments:

Item	Reason
Disallowance of Travel Time for Finkelstein and Woodruff	Disallowed hours claimed for all travel time less than 120 miles (one-way). <i>See</i> D.09-12-040 at 28.
Disallowance of Travel Related Expenses	We disallow TURN's request for reimbursement of costs related to the travel disallowed above (Lodging \$181.40 and Mileage/Tolls \$108.90)

PART IV: OPPOSITIONS AND COMMENTS**A. Opposition: Did any party oppose the Claim?**

No

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?

Yes

FINDINGS OF FACT

1. TURN has made a substantial contribution to D.12-12-035.
2. The requested hourly rates for TURN's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$145,234.58.

CONCLUSION OF LAW

1. TURN's claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$145,234.58.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay The Utility Reform Network (TURN) the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15,⁷ beginning May 11, 2013, the 75th day after the filing of TURN's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

⁷ See Resolution ALJ-294.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision:	D1212035	
Proceeding:	A1203026	
Author:	ALJ Yacknin	
Payer:	Pacific Gas and Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network (TURN)	2/25/2013	\$146,250.88	\$145,234.58	Yes	Disallow travel hours; Disallow travel related expenses (lodging, mileage and tolls); adjusted hourly rates

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Finkelstein	Attorney	TURN	\$480	2012	\$480 ¹
Kevin	Woodruff	Expert	TURN	\$240	2012	\$240
Robert	Finkelstein	Attorney	TURN	\$480	2013	\$485 ²

(END OF APPENDIX)

¹ Applies the 2.2% COLA approved in Resolution ALJ-281 for 2012 intervenor work.

² Applies the 2.0% COLA approved in Resolution ALJ-284 for 2013 intervenor work.